THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 9110 of 2005

Dated : 16-08-2005

Between:

M/s. Sreeanjali Townships(P) Ltd., Having it office at 47-13-2-2, 1st floor, Beside Sankaramatam Dwarakanagar, Visakhapatnam, rep. by its Managing Director, Sri. N.Gopalakrishna S/o. Venkateswara Rao, Hindu aged 38 years r/o. Guntur.

..... PETITIONER

AND

1 The Visakhapatnam Urban Developemtn Authority, Rep. by its Vice

Chairman, with its office at Visakhapatnam
2 The District Registrar, Visakhapatnam.
Near Old Post Office, Visakhapatnam.
3 The Sub Registrar: Bheemili.
4 The Village Secretary: Kapuluppada Villate.

.....RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No :9110 of 2005

ORDER:

This writ petition has been filed by M/s.Sreeanjali Townships (p) Limited with a prayer to issue a writ or direction more particularly one in the nature of writ of Mandamus by setting aside the impugned letter dated 17-03-2005/G.1/02/13-10-2004 issued by the District Registrar, Visakhapatnam.

The petitioner is a company registered under the Companies Act. It is engaged in Real Estate Business and it purchased property in Survey No.207/P/G of Kapuluppadu Village of Visakhapatanam and submitted an application to the 1st respondent, Urban Development Authority, Visakhapatnam for approval of layout. Because of the letter addressed by the District Registrar, Visakhapatnam-2nd respondent, the application submitted by the petitioner for sanction of layout has not been considered. Hence the writ petition.

The learned counsel appearing for the petitioner submits that the collection of the documents in search of the premises of the petitioner-company by invoking Section 73 of the Stamp Act, is no more available since the very section itself has been strucked out by the Section 73 of the Act, (as amended) by the Supreme Court in **Distt.Registrar and Collector, Hyderabad and another v. Canara Bank etc.,.** He further submits that the action of the 2nd respondent in addressing a letter to the 1st respondent is not legal and proper and the same is required to be declared as null and void.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the second respondent.

The learned Government Pleader submits that search of the premises has been made by the registering officials in pursuance of the rules called as A.P.Stamp (Inspection of Properties) Rules, 1998 framed under Section 23 of the Stamp Act as Indian Stamp Act (Andhra Pradesh Amendment) Act, 1986

Without going into the rival contentions of the parties, it is suffice to say that the writ petitioner in Para 13 of the affidavit has specifically stated that it is prepared to pay Rs.3,50,690/- pending completion of the verification or adjudication of the proceedings before the District Registrar, Visakhapatnam. I deem it appropriate to refer Para No.13 of the writ affidavit and it is thus:-

> "This Hon'ble Court may also see that the petitioner does not shirk its responsible towards the amounts payable to the Statute as long as it is lawful. This Hon'ble Court may peruse the communications sent by the petitioner company dated 16-1-2005. The petitioner company has requested the second respondent in the last para to withdraw the letter written by the second respondent to first respondent and also expressed its readiness to pay the amount of Rs.3,50,690/- as a deposit till you complete the verification or adjudication in so far as the alleged deficit stamp duty is concerned "But there was no response from them. Yet the third Respondent i.e., the sub Registrar: Bhimili and the First Respondent are refusing to perform their statutory duties in entertaining the application to accord the sanction of lay outs in respect of the applications pending by the petitioner company."

Since the writ petitioner is prepared to pay Rs.3,50,690/- towards the deficit stamp duty, there cannot be any impediment to the 1st respondent to entertain the application filed by the petitioner for approval of layouts of lands. However, this amount to be deposited by the writ petitioner is subject to out come of the enquiry initiated by the second respondent-District Registrar. In case, the writ petitioner succeeds in the enquiry, he is entitled to get back the amount.

In the result, the writ petition is disposed of directing the petitioner to deposit Rs.3,50,690/- before the District Registrar, Visakhapatnam-2nd respondent, within four weeks from the date of receipt of a copy of this order and there upon the 2nd respondent-District Registrar shall complete the enquiry as early as possible. No costs.

16th August, 2005.

mrb